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EXAMINER

COLON, GERMAN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 05 08 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,919

Applicant(s)

ASTON, MARK

Examiner

German Colón

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement (PTO-111) (Page(s) ____)
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Response to Amendment

1. The Amendment, filed on April 25, 2002, has been entered and acknowledged by the Examiner

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in United Kingdom on November 10, 2001. It is noted, however, that applicant has not filed a certified copy of the UK 0127090.9 application as required by 35 U.S.C. 119(b).

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 20, on Page 6, line 9; and reference number 33, on Page 6, line 26. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

5. The following is a list of the references cited by the examiner in connection with the present application:

Arrangement of the Specification

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As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading.

- (a) TITLE OF THE INVENTION
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet)
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The Examiner notes that some of the headings for the different sections in the application are missing. Appropriate correction is required.

6 The disclosure is objected to because of the following reasons:

On Page 3, lines 26-27 and 28-29, Figs. 5-6 and 7-9 are grouped in the brief description

separate brief description. See MPEP 608.01(c).

Appropriate correction is required.

Claim Objections

The Claims are objected to because of the following informalities:

7. Claims 3-5 and 8-16 had been informally amended without being initialed and dated.
8. Claims 9-14, recite "any one or more of claims"; the recitation appears to be grammatically incorrect.
9. Claim 4 comprises the term "and/or" in line 2; said claim is dependent on claim 3, which also comprises the term "and/or". The term "and/or" could render the claim indefinite. The Examiner suggests a rephrasing of the claim such as "at least one of".
10. Applicant is advised that should claim 6 be found allowable, claim 17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required

Utility Requirements - 35 U.S.C. § 101

35 U.S.C. 101. Inventions that are not patentable.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claims 2 and 3-5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said first display" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the portions of the display areas" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 4-5, claims 4-5 are rejected over the reasons stated in the rejection of claim 3, because of their dependency status from claim 3.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 6, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitesell (US 5,929,572).

Regarding claim 6, Whitesell discloses a display comprising a plurality of substrates 12 (see Fig. 2 in view of Fig. 4 or 5), each comprising a first portion to support a display region

12 and a second portion which underlies part of another substrate

Referring to claim 15, Whitesell discloses the pixel elements having integral means to generate illumination (see Col. 1, lines 41-49).

Referring to claim 17, claim 17 is rejected over the reasons stated in the rejection of claim 6

Claim Rejections - 35 USC § 103

15 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16 Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Guberman et al. (US 2002/0074937) in view of Ohnishi et al. (US 5,821,002).

Regarding claim 1, Guberman discloses a display **30** (or **40**) comprising a plurality of display regions **32,34**, each incorporating EL material, each region comprising a plurality of separately addressable pixel elements **36**, one or more of the display regions overlying a portion of one or more adjacent display regions (see Figs. 2 and 3). Guberman fails to disclose the electroluminescent material being organic.

However, in the same field of endeavor, Ohnishi discloses an OLED, and teaches that electroluminescence devices using organic materials have advantages such as low-voltage drive, high luminance and easy luminance of a large number of colors, in comparison with the

Guberman with organic materials, since Ohnishi teaches that electroluminescence devices using

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- organic materials have advantages such as low-voltage drive, high luminance and easy luminance of a large number of colors, in comparison with the inorganic EL devices.

Regarding claim 2, Guberman-Ohnishi discloses one or more display regions overlying part of said display region (see Figs. 2 and 3 of '937).

Referring to claim 3, Guberman discloses the portions of display areas which lie underneath other display areas incorporate wiring (see Fig. 3, reference **14a**).

Referring to claim 4, Guberman discloses a plurality of display regions overlying part of the display regions of laterally and/or orthogonally adjacent display regions (see Figs. 2 and 3).

Regarding claim 5, Guberman discloses the display regions forming a substantially continuous display surface over the array.

Allowable Subject Matter

17. Claims 7-14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The following is a statement of reasons for the indication of allowable subject matter

The Examiner notes that the Prior Art of Record discloses a display comprising a plurality of substrates, each comprising a portion to support a display region incorporating an OLED material with a plurality of separately addressable pixel elements, and a portion which

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Regarding claim 7, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 7, and specifically comprising the limitation of "the first portion and the second portion of a substrate not being in the same plane".

Regarding claims 8-14, claims 8-14 are allowable for the reasons given in claim 7, because of their dependency status from claim 7.

Referring to claim 16, the references of the Prior Art of Record fail to teach or suggest the combination of the limitations as set forth in claim 16, and specifically comprising the limitation of "comprising means to effect back lighting illumination of a plurality of pixel elements".

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Colón whose telephone number is 703-305-5987. The examiner can normally be reached on Monday thru Friday, from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 703-305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7382 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

gc
May 2, 2003